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IT IS SO ORDERED.

Dated: April 14, 2017



Pat E. Morgenstern-Claren
Pat E. Morgenstern-Claren
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:) **Case No. 10-50494**
FAIR FINANCE COMPANY,)
Debtor.) **Chapter 7**
) **Judge Pat. E. Morgenstern-Claren**
)

**ORDER ESTABLISHING PROCEDURES FOR THE PAYMENT OF FEES AND
EXPENSES OF THE TRUSTEE'S EXPERTS**

This matter came before the Court on the *Trustee's Motion for an Order Establishing Procedures for the Payment of Fees and Expenses of Experts* (the “**Motion**”). Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion. The Court has reviewed the Motion and concluded that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) this is a core proceeding, (iii) notice of the Motion was sufficient under the circumstances, and (iv) the legal and factual bases set forth in the Motion establish just cause for the relief; this Court having determined that the relief requested in the

Motion is in the best interests of the Debtor, the estate and the creditors; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED in its entirety.
2. The Expert Compensation Procedures are extended to the Textron Litigation and approved as follows:
 - a) Experts shall invoice the Trustee on a monthly basis for all fees billed and out-of-pocket expenses incurred. The Trustee shall provide unredacted copies of all such monthly invoices to the U.S. Trustee. Notwithstanding the provision of such invoices to the U.S. Trustee, all applicable privileges and protections against the disclosure of such invoices, if any, are preserved.
 - b) If the Trustee does not receive an objection from the U.S. Trustee within ten (10) days after the U.S. Trustee's receipt of an expert's monthly invoice, the Trustee shall be authorized to pay, on an interim basis, 80% of the fees and 100% of the out-of-pocket expenses included in the expert's monthly invoice, using assets of the bankruptcy estate.
 - c) If the U.S. Trustee raises a timely objection to an expert's monthly invoice, the expert, the U.S. Trustee and the Trustee shall have seven (7) days to resolve such objection. If the parties are unable to resolve such objection on an informal basis within that period of time, the parties shall notify the Bankruptcy Court of the dispute and the Bankruptcy Court shall decide the issue(s) either without a hearing or at a public hearing. Neither the Trustee nor any litigation opponent of the Trustee shall be permitted to use, for any purpose in any lawsuit or adversary proceeding, any statements made during any such public hearings.

d) Experts shall file interim applications with the Court for interim approval of (i) all monthly fees and expenses paid pursuant to the procedures set forth herein, and (ii) the 20% holdback amount with respect to monthly fees. Notwithstanding the default rule with respect to quarterly interim applications, as set forth in Section 331 of the Bankruptcy Code, the experts may file interim applications more often than every 120 days, to the extent necessary to enable the Court to consider such interim applications prior to any testimony the experts may provide at deposition or at trial in the Textron Litigation.

e) The experts shall (i) publicly file interim fee applications with the detailed time entry descriptions regarding the specific tasks performed by the experts redacted to avoid conferring a tactical litigation advantage upon the Trustee's adversaries, and (ii) provide the unredacted interim fee applications only to the Court (via submission to chambers) and to the U.S. Trustee. The Trustee shall not redact the number of hours spent on each specific task. All interim payments of fees and expenses shall be subject to a final review and approval of the Court. Experts shall be required to file final fee and expense applications for final allowance and approval of fees and expenses.

f) Except to the extent expressly set forth herein, the experts shall otherwise comply with all applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, Orders of the Bankruptcy Court, Local Rules of the Bankruptcy Court and the Local Guidelines for Compensation and Expense Reimbursement of Professionals.

3. This Court retains exclusive jurisdiction with respect to the interpretation and enforcement of this Order.

IT IS SO ORDERED.

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Respectfully submitted,

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